

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER	
<b>PLAINTIFF</b>  <b>WALTER W. KELLEY, TRUSTEE</b>		<b>DEFENDANT</b>  <b>DAVID P. HAAR</b>	
<b>ATTORNEYS</b> (Firm Name, Address and Telephone No.)  Thomas D. Lovett KELLEY, LOVETT, BLAKEY & SANDERS P.O. BOX 1164 VALDOSTA, GA 31603 (229) 242-8838 tlovett@kelleylovett.com		<b>ATTORNEYS</b> (If Known)	
<b>PARTY</b> (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input type="checkbox"/> 2 U.S. DEFENDANT <input checked="" type="checkbox"/> 3 U.S. NOT A PARTY			
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)  COMPLAINT TO AVOID TRANSFERS UNDER 11 U.S.C. §544 and 550			
<b>NATURE OF SUIT</b> (Check the one most appropriate box only.)			
<input checked="" type="checkbox"/> 454 To recover money or property <input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11 or Chap. 13 plan <input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action <input type="checkbox"/> 435 To determine validity, priority, or extent of a lien or other interest in property <input type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 498 Other (specify) <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727 <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan			
<b>ORIGIN OF PROCEEDINGS</b> (Check one box only.)		<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed Proceeding <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another Bankruptcy Court <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
<b>DEMAND</b>	NEAREST THOUSAND  \$	OTHER RELIEF SOUGHT  Avoid transfers	<input type="checkbox"/> JURY DEMAND
<b>BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES</b>			
NAME OF DEBTOR  JULIA MARIE HAAR		BANKRUPTCY CASE NO. 18-50476-JPS	
DISTRICT IN WHICH CASE IS PENDING MIDDLE DISTRICT OF GEORGIA	DIVISION OFFICE MACON DIVISION		NAME OF JUDGE James P. Smith
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>			
PLAINTIFF	DEFENDANT		ADVERSARY PROCEEDING NO.
DISTRICT	DIVISIONAL OFFICE	NAME OF JUDGE	
<b>FILING FEE</b> (Check one box only.) <input type="checkbox"/> FEE ATTACHED <input type="checkbox"/> FEE NOT REQUIRED <input checked="" type="checkbox"/> FEE IS DEFERRED			
DATE 12/31/2018 1-2-2019	PRINT NAME Thomas D. Lovett	SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Thomas D. Lovett <i>Thomas Lovett</i>	

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>In re:</b>	:	<b>BANKRUPTCY CASE</b>
	:	
<b>JULIA MARIE HAAR,</b>	:	<b>NO 17-50014-JPS</b>
	:	
<b>Debtor.</b>	:	<b>Chapter 7 Proceeding</b>

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<b>WALTER W. KELLEY, TRUSTEE,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>Adversary Proceeding</b>
<b>v.</b>	:	
	:	<b>No.</b>
<b>DAVID P. HAAR ,</b>	:	
	:	
<b>Defendant.</b>	:	

**TRUSTEE’S COMPLAINT TO AVOID TRANSFERS**

Comes now Plaintiff Walter W. Kelley, Trustee ("*Trustee*") and shows the following:

-1-

David P. Haar ("*Defendant*") is subject to the jurisdiction of this Court and this Court has jurisdiction over this Complaint under 28 U.S.C. §1334 and 11 U.S.C. §§544 and 550.

-2-

Venue is proper in this Court under 28 U.S.C. § 1409.

-3-

Plaintiff is the duly appointed and acting Trustee in the Chapter 7 bankruptcy case filed by Julia Marie Haar ("*Debtor*").

-4-

This adversary proceeding arises out of and relates to the Debtor’s Chapter 7 case which was filed on March 12, 2018.

-5-

This adversary proceeding is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (F), (H) and/or (O). The Trustee consents to the entry of final orders and/or judgment by the Bankruptcy Court.

-6-

On the date the Debtor filed her chapter 7 petition, she owed a claim to Internal Revenue Service ("*IRS*") for "Federal Tax Debt" [docket 4, p. 17]. The Trustee may step into the shoes of the IRS and utilize the collection powers available to the IRS. See In re Gaither, 2018 LEXIS 3816, 15 (Bankr. D. S.C. 2018);

*see also In re Kaiser*, 525 B.R. 697, 708-710 (Bankr. N.D. Ill. 2014). The IRS is subject to a ten-year statute of limitations for collection, measured from the time of assessment. 11 U.S.C. § 6502(a)(1).

-7-

**Transfer of 110 Princeton Trace, Fayetteville, Georgia**

The Debtor transferred real estate known as 110 Princeton Trace, Fayetteville, Georgia to Defendant described in a *Quitclaim Deed* dated October 20, 2009 and recorded in the Fayette County Clerk's Office on October 20, 2009 in Deed Book 3581 pages 97-99. The transfer was made on October 20, 2009, the date the deed was recorded. A true and correct copy of the recorded quitclaim deed is attached as **Exhibit "A."**

-8-

A PT-61 document was filed in the Fayette County Clerk's Office in connection with the above-described deed transfer. The PT-61 stated the actual value of the consideration received by the Debtor was "\$0.00." The PT-61 stated the deed transfer was exempt from real estate transfer tax. A true and correct copy of the recorded PT-61 is attached as **Exhibit "B."**

-9-

The current value of 110 Princeton Trace, Fayetteville, Georgia is \$142,800 according to the Fayette County Tax Assessor's Office.

-10-

**Transfer of 160 Pruett Street, Riverdale, Georgia**

The Debtor transferred real estate known as 160 Pruett Street, Riverdale, Georgia to Defendant by a described in a *Quitclaim Deed* dated October 20, 2009 and recorded in the Clayton County Clerk's Office on October 20, 2009 in Deed Book 9723, pages 149-50. The transfer was made on October 20, 2009, the date the deed was recorded. A true and correct copy of the recorded quitclaim deed is attached as **Exhibit "C."**

-11-

A PT-61 document was filed in the Clayton County Clerk's Office in connection with the above-described deed transfer. The PT-61 stated the actual value of the consideration received by the Debtor was "\$0.00." The PT-61 stated the deed transfer was exempt from real estate transfer tax. A true and correct copy of the recorded PT-61 is attached as **Exhibit "D."**

-12-

The current value of 160 Pruett Street, Riverdale, Georgia is \$56,103 according to the Clayton County Tax Assessor's Office.

-13-

The Defendant is the Debtor's brother. The Defendant is an "*insider*" to the Debtor within the meaning of O.C.G.A. § 18-2-71(7)(A)(i).

-14-

The Debtor did not receive money, property or other value in exchange for the real estate transfers described in paragraphs 7 and 10 above. The real estate transfers described in paragraphs 7 and 10 above were not made in exchange for a reasonably equivalent value.

-15-

In the alternative, the real estate transfers described in paragraphs 7 and 10 above were made with actual intent to hinder, delay or defraud a creditor or creditors within the meaning of O.C.G.A. § 18-2-74(a)(1).

-16-

In the alternative, the real estate transfers described in paragraphs 7 and 10 above were made without the Debtor receiving a reasonably equivalent value in exchange for the transfers, and the Debtor was engaged or was about to engage in a business or transaction, for which the remaining assets of the Debtor were unreasonably small in relation to the business or transaction, or the Debtor intended to incur, or believed or reasonably should have believed that she would incur debts beyond her ability to pay as they became due under O.C.G.A. § 18-2-74(a)(2).

-17-

In the alternative, the Debtor was insolvent on the date the real estate transfers described in paragraphs 7 and 10 above were made or the Debtor became insolvent as a result of the real estate transfers, and the Debtor did not receive a reasonably equivalent value in exchange for the transfers within the meaning of O.C.G.A. § 18-2-75(a).

-18-

In the alternative, the real estate transfers described in paragraphs 7 and 10 above were made to a Defendant as an insider for an antecedent debt, the debtor was insolvent at the time the transfers were made, and the Defendant had reasonable cause to believe that the debtor was insolvent under O.C.G.A. § 18-2-75(b).

-19-

At least one creditor had an unsecured claim against the Debtor when the real estate transfers described in paragraphs 7 and 10 above were made who continued to have an unsecured claim against the Debtor when the Debtor's bankruptcy petition was filed.

-20-

The real estate transfers described in paragraphs 7 and 10 above are avoidable by the Trustee under Georgia's *Uniform Fraudulent Conveyances Act* at O.C.G.A. Section 18-2-70 et seq., including, but not limited to O.C.G.A. §§ 18-2-74 and 18-2-75.

WHEREFORE, THE TRUSTEE PRAYS FOR JUDGMENT AGAINST DEFENDANT:

- (a) avoiding the real estate transfers described in paragraphs 7 and 10 above and all other property or interests transferred which are discovered later that are avoidable under applicable law;
- (b) allowing the Trustee to recover all property and interests in property transferred to Defendant under 11 U.S.C. § 550;
- (c) granting all relief to which the Trustee is entitled under 11 U.S.C. §§ 544, 550, O.C.G.A. § 18-2-70 et seq. and granting all other remedies or relief available to the Trustee that apply to the facts of this case;
- (d) awarding all costs of this action;
- (e) awarding pre-judgment interest on any money judgment entered in this adversary proceeding case; and
- (f) for all other and further relief as this Court deems equitable and just.



/s/ Thomas D. Lovett

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THOMAS D. LOVETT

Attorney for Chapter 7 Trustee

Kelley, Lovett, Blakey & Sanders

Post Office Box 1164

Valdosta, GA 31603

(229) 242-8838

State Bar ID No. 459571

tlovett@kelleylovett.com



Doc ID: 008175720003 Type: GLR  
Filed: 10/20/2009 at 10:45:00 AM  
Fee Amt: \$14.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

BK 3581 PG 97-99

Recording requested by: \_\_\_\_\_

When recorded, mail to: \_\_\_\_\_

Name: DAVID HAAR

Address: 412 oakland Rd.

City: McDonough GA.

State/Zip: Georgia

Space above reserved for use by Recorder's Office

Document prepared by: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Property Tax Parcel/Account Number: \_\_\_\_\_

## Quitclaim Deed

This Quitclaim Deed is made on 20th Day of October, between  
Julia M. Haar, Grantor, of 470 Lakeshore Drive  
\_\_\_\_\_, City of Monticello, State of Georgia,  
and DAVID P HAAR, Grantee, of 412 oakland Rd.  
\_\_\_\_\_, City of McDonough, State of Georgia.

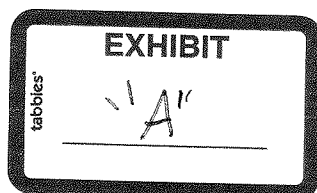
For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by  
the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs  
and assigns, to have and hold forever, located at 110 PRINCETON trace  
\_\_\_\_\_, City of Fayetteville, State of Georgia:

See Exhibit A

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2009 shall be prorated between the Grantor and Grantee as of the date of  
recording of this deed.

★NOVA Quitclaim Deed Pg.1 (01-09)



Dated: \_\_\_\_\_

Julia M. Haar David P. Haar  
Signature of Grantor

Julia M. Haar David P. Haar  
Name of Grantor

Julie Cook  
Signature of Witness #1

Julie Cook  
Printed Name of Witness #1

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
Printed Name of Witness #2

State of Georgia County of Fayette  
On October 20, 2009, the Grantor, Julia + David Haar  
personally came before me and, being duly sworn, did state and prove that he/she is the person described  
in the above document and that he/she signed the above document in my presence.

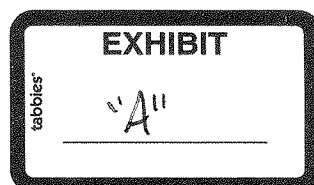
K. J.  
Notary Signature

Notary Public,  
In and for the County of Fayette State of Georgia  
My commission expires: April 13, 2013

Send all tax statements to Grantee.



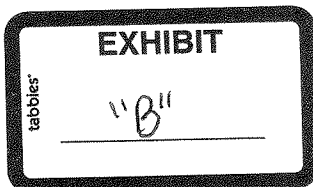
★NOVA Quitclaim Deed Pg 2 (01-09)



PT-61 (Rev. 11/04) To be filed in **FAYETTE COUNTY** **PT-61 056-2009-003502**

<b>SECTION A – SELLER'S INFORMATION (Do not use agent's information)</b>				<b>SECTION C – TAX COMPUTATION</b>	
SELLER'S LAST NAME Haar	FIRST NAME Julia	MIDDLE M	Exempt Code If no exempt code enter NONE		NONE
MAILING ADDRESS (STREET & NUMBER) 470 lake shore dr			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY monticello, GA 31064 USA		DATE OF SALE 10/20/2009	1A. Estimated fair market value of Real and Personal property		\$0.00
<b>SECTION B – BUYER'S INFORMATION (Do not use agent's information)</b>			2. Fair market value of Personal Property only		\$0.00
BUYER'S LAST NAME Haar	FIRST NAME David	MIDDLE p	3. Amount of liens and encumbrances not removed by transfer		\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 412 oakland rd			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY mcdonough, GA 30253 USA		Check Buyers Intended Use ( ) Residential ( ) Commercial ( ) Agricultural ( ) Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$0.00
<b>SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))</b>					
HOUSE NUMBER & EXTENSION (ex 265A) 110		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION princeton trace			SUITE NUMBER
COUNTY FAYETTE		CITY (IF APPLICABLE)	MAP & PARCEL NUMBER 055005002		ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 5	ACRES	LAND LOT 251	SUB LOT & BLOCK
<b>SECTION E – RECORDING INFORMATION (Official Use Only)</b>					
DATE	DEED BOOK 3581	DEED PAGE 97	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS  
None





09723  
00149

FILED 33151  
CLAYTON CO., GA  
2009 OCT 20 PM 12:30  
LINDA T. MILLER  
CLERK SUPERIOR COURT

Clayton County, Georgia  
Real Estate Transfer Tax  
Paid 0  
Date 10-20-09  
Linda T. Miller  
Clerk, Superior Court

Recording requested by: \_\_\_\_\_  
When recorded, mail to: \_\_\_\_\_  
Name: DAVID HAAR  
Address: 412 oakland Rd.  
City: McDonough GA  
State/Zip: 30253

Space above reserved for use by Recorder's Office  
Document prepared by: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

Property Tax Parcel/Account Number: \_\_\_\_\_

## Quitclaim Deed

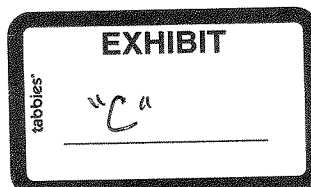
This Quitclaim Deed is made on 24th Day of October, between  
Julia M. HAAR, Grantor, of 470 Lakeshore Drive  
\_\_\_\_\_, City of Monticello, State of Georgia,  
and DAVID P HAAR, Grantee, of 412 oakland Rd.  
\_\_\_\_\_, City of McDonough, State of Georgia.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by  
the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs  
and assigns, to have and hold forever, located at 1160 Pruitt Street  
\_\_\_\_\_, City of Riverdale, State of Georgia:

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.  
Taxes for the tax year of 2009 shall be prorated between the Grantor and Grantee as of the date of  
recording of this deed.

★NOVA Quitclaim Deed Pg. 1 (01-09)

BK09723PG149



09723  
00150

Dated: October 20, 2009

[Signature]  
Signature of Grantor

Julia M. Haar DAVID P HAAR  
Name of Grantor

[Signature]  
Signature of Witness #1

April D. Hsese  
Printed Name of Witness #1

[Signature]  
Signature of Witness #2

Brandi Eberhart  
Printed Name of Witness #2

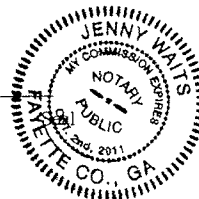
State of Georgia County of Clayton  
On October 20, 2009, the Grantor, Julia M Haar and David P. Haar  
personally came before me and, being duly sworn, did state and prove that he/she is the person described  
in the above document and that he/she signed the above document in my presence.

[Signature]  
Notary Signature

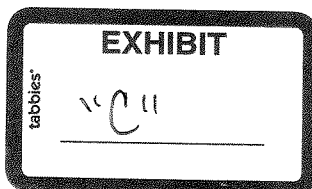
BK09723PG150

Notary Public,  
In and for the County of Fayette State of Georgia  
My commission expires: 10-2-2011

Send all tax statements to Grantee.



★NOVA Quitclaim Deed Pg.2 (01-09)



PT-61 (Rev. 11/04)

To be filed in **CLAYTON COUNTY****PT-61 031-2009-012212**

SECTION A - SELLER'S INFORMATION (Do not use agent's information)				SECTION C - TAX COMPUTATION	
SELLER'S LAST NAME Haar	FIRST NAME Julia	MIDDLE M	Exempt Code If no exempt code enter NONE		NONE
MAILING ADDRESS (STREET & NUMBER) 470 lake shore dr			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY monticello, GA 31064 USA		DATE OF SALE 10/20/2009	1A. Estimated fair market value of Real and Personal property		\$0.00
SECTION B - BUYER'S INFORMATION (Do not use agent's information)			2. Fair market value of Personal Property only		\$0.00
BUYER'S LAST NAME Haar	FIRST NAME David	MIDDLE P	3. Amount of liens and encumbrances not removed by transfer		\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 412 oakland rd			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$0.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Mcdonough, GA 30253 USA		Check Buyers Intended Use ( ) Residential ( ) Commercial ( ) Agricultural ( ) Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$0.00
SECTION D - PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A) 160		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION pruett Street			SUITE NUMBER
COUNTY CLAYTON		CITY (IF APPLICABLE)	MAP & PARCEL NUMBER 05236a e003		ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT	ACRES	LAND LOT	SUB LOT & BLOCK
SECTION E - RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK 9723	DEED PAGE 149	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS

None

